IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.370 OF 2007

Kishor Sahebrao Jadhav ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Ms.Rebeca Gonsalves, adv. for the Applicant.
Ms.R.M.Gadhvi, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 5th March, 2007.

P.C.:

1. Heard Ms.Rebeca Gonsalves, the learned counsel for the applicant and Ms.Gadhvi, the learned APP for the State.

2. The applicant seeks to be released on bail in Crime No.89 of 2005 which is registered at Jaikheda Police Station for the offences punishable under Sections 302, 177 read with Section 34 of the I.P.C.

3. According to the prosecution, the present applicant and his father had assaulted the deceased with an iron tommy on his head and caused number of injuries to him due to which he died. Further, the applicant lodged the false report with the police that the deceased had died due to fall from running motorcycle. The present applicant and his father had filed criminal

application no.2545 of 2006 before this Court for bail and that application came to be rejected on 1-8-2006 on merits of the case. I do not see any change in the circumstances after rejection of the first application. The learned counsel for the applicant contends that in the earlier application, facts against the present applicants were not properly appreciated. If such grievance is there, the applicant can go to the Supreme Court but can not be allowed to file second application for bail unless there is change in the circumstances. The learned counsel for the applicants contends that the applicant is in custody for the last about 1 and half years and the trial has not yet commenced. However, that itself can not be the ground for grant of bail. Direction can be given to the Sessions Court for early trial.

4. Application stands rejected.

5. The Additional Sessions Judge, Malegaon is hereby directed to expedite the trial and dispose off the case as early as possible and in any case, within the next 4 months.

(J.H.Bhatia,J.)